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EXAMINER

RUTLEDGE, AMELIA L

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/756,159

Applicant(s)

BODIN ET AL.

Examiner

Amelia Rutledge

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 1/13/04; 5/9/05.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: original application, filed 01/13/2004.
2. Claims 1- 36 are pending in the case. Claims 1, 13, and 25 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. **Claims 1-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**
5. **In regard to independent claims 1 and 13**, claims 1 and 13 are nonstatutory because they claim nonfunctional descriptive material and represent abstract ideas (*Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, hereinafter "Interim Guidelines", p. 50-51). Note that merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, does not make it statutory since the requisite functionality to satisfy the practical application requirement must also be present (Interim Guidelines, p. 51).
6. For example, claim 1 cites: *A method for differential dynamic content delivery, the method comprising: providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;*

selecting from the session structured document a classified structural element in dependence upon user classifications of a user participant in the presentation; presenting the selected structural element to the user,....

As claimed, claim 1 claims a collection of abstract ideas not recorded on a computer-readable medium, and thereby claims nonfunctional descriptive material. Similarly, while claim 13 claims a *system*, the system as claimed also represents a collection of abstract ideas which are not recorded on a computer readable medium.

In regard to dependent claims 2-12 and 14-24, claims 2-12 and 14-24 are rejected because they add nothing to render the claimed subject matter statutory.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brittan et al. (hereinafter "Brittan"), U.S. Patent No. 6,725,199, issued April 2004, in view of Freire et al. (hereinafter "Freire"), "WebViews: Accessing Personalized Web Content and Services", *Proceedings of the 10th International Conference on World Wide Web*, May 2001, ACM Press, p. 576-586.**

Independent claim 1 cites: *A method for differential dynamic content delivery, the method comprising: providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;* Freire teaches a method of creating personalized content for web pages or services (p. 577, Col. 2, par. 2), for differential dynamic content delivery. Freire teaches providing a session document for a presentation, in which a smart bookmark records and saves user browsing actions from the session in a structured document called a smart bookmark or web view (p. 578, Sect. 2.1; p. 579, fig. 2). Freire also teaches creating a session grammar for web views (p. 583, Fig. 6, Sect. 3.3; p. 584-585, Sect. 4.3). Freire also teaches encoding the smart bookmark as an XML document with XML grammar expressions.

Claim 1 also cites: *selecting from the session structured document a classified structural element in dependence upon user classifications of a user participant in the presentation; presenting the selected structural element to the user;* Freire teaches selecting a list of web view documents which depend on user created classifications, in response to a user identification, and presenting the documents and selected structural elements, i.e., selected table rows, to the user via VoiceXML (p. 582-583, Sect. 3.2).

Claim 1 also cites: *streaming speech to the user from one or more users participating in the presentation; converting the speech to text;*
detecting a total sound level for the user; and determining whether to display the text in dependence upon the total sound level for the user.

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While Freire does not explicitly teach streaming speech to the user from one or more users, methods of streaming speech over the internet were well known in the art at the time of the invention, and it would have been obvious to one of ordinary skill in the art to apply the voice interface methods disclosed by Freire to streaming speech, since Freire teaches methods of dynamically transcoding data into VoiceXML.

While Freire does not explicitly teach detecting a total sound level for the user, Brittan teaches a text to speech converter with plural speech synthesis engines (Summary) which converts speech to text and detects a background noise level for the user, determining whether to display the text format depending on the total noise level for the user (Col. 8, l. 34-Col. 9, l. 26; Col. 9, l. 32-38).

Both Brittan and Freire are analogous art, since both provide the user with a speech interface and convert text information to speech. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brittan to Freire, since Freire discloses a method of delivering personalized voice enabled content to the user and would therefore benefit from the policies of dialogue style selection to increase intelligibility disclosed by Brittan (Col. 7, l. 46-Col. 8, l. 10).

Regarding dependent claims 2-4, while Freire does not explicitly teach detecting a total sound level for the user, Brittan teaches a text to speech converter with plural speech synthesis engines (Summary) which converts speech to text and detects a background noise level for the user, determining whether to display the text format depending on the total noise level for the user (Col. 8, l. 34-Col. 9, l. 26; Col. 9, l. 32-38). Brittan teaches a background analysis block for identifying user input and differentiating

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user speech from background noise (Col. 8, l. 34-56), compare to claim 3, *measuring a sound level on the user's voice channel during the interruption and while the user is not speaking*. Brittan teaches displaying text to the user if the background noise level is above a predetermined threshold, i.e., confidence score (Col. 9, l. 1-26),

Both Brittan and Freire are analogous art, since both provide the user with a speech interface and convert text information to speech. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brittan to Freire, since Freire discloses a method of delivering personalized voice enabled content to the user and would therefore benefit from the policies of dialogue style selection to increase intelligibility disclosed by Brittan (Col. 7, l. 46-Col. 8, l. 10).

Regarding dependent claims 5 and 6, while Freire does not explicitly teach the limitations of claims 5 and 6, Brittan teaches a confidence classifier which determines the confidence level, i.e., total sound level, and the confidence score is fed directly to the style selection block to enable the block to use the score in combination with the background noise measure to determine which style to set, i.e., whether to display text (Col. 8, l. 34-63; Col. 9, l. 1-26).

Both Brittan and Freire are analogous art, since both provide the user with a speech interface and convert text information to speech. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Brittan to Freire, since Freire discloses a method of delivering personalized voice enabled content to the user and would therefore benefit from the policies of dialogue style selection to increase intelligibility disclosed by Brittan (Col. 7, l. 46-Col. 8, l. 10).

Regarding dependent claim 7, Freire teaches selecting a list of web view documents which depend on user created classifications, in response to a user identification, and presenting the documents and selected structural elements, i.e., selected table rows, to the user via VoiceXML (p. 582-583, Sect. 3.2).

Regarding dependent claims 8-10, Freire teaches providing a session document for a presentation, in which a smart bookmark records and saves user browsing actions from the session in a structured document called a smart bookmark or web view (p. 578, Sect. 2.1; p. 579, fig. 2). The bookmark or web view document is created from user identified presentation documents and can include user defined parameters. The web view parses the presentation grammar, i.e., language and structural elements of the page, as it is created, thereby creating the session grammar. A simplified presentation grammar is also created. Freire also teaches creating a session grammar for web views (p. 583, Fig. 6, Sect. 3.3; p. 584-585, Sect. 4.3). Freire also teaches encoding the smart bookmark as an XML document with XML grammar expressions. Freire teaches a user profile with parameters (p. 582, Sect. 3.2) and filtering the resultant document based on user identifier and parameters.

Regarding dependent claim 11, Freire teaches creating a web view by transcoding a table into VoiceXML, identifying a presentation attribute such as a table row, and inserting a classification identifier for the row, and a keyword, such as "next" or "skip" into the Voice XML document (p. 582-583, Section 3.2 and 3.3).

Regarding dependent claim 12, Freire teaches the concept of selecting presentation grammars from among a set of presentation grammars, i.e., form level

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grammars or field grammars and applying these and filtering them into presentation grammars for the output document (p. 583-585, especially p. 585, Col. 1, par. 1-2).

Regarding independent claim 13 and dependent claims 14-24, claims 13-24 reflect the system used to implement the methods claimed in independent claim 1 and dependent claims 2-12, and are rejected along the same rationale.

Regarding independent claim 25 and dependent claims 26-36, claims 25-36 reflect the computer program product and recording medium used to implement the methods claimed in independent claim 1 and dependent claims 2-12, and are rejected along the same rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bryan et al. U.S. Patent No. 6,658,414 issued December 2003

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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